

AMENDED IN ASSEMBLY SEPTEMBER 3, 1999

AMENDED IN SENATE APRIL 22, 1999

SENATE BILL

No. 323

Introduced by Senator Hayden

February 8, 1999

An act to add Chapter 2.5 (commencing with Section 5072) to Title 7 of Part 3 of, and to add and repeal Chapter 3.4 (commencing with Section 13827) ~~and Chapter 3.5 (commencing with Section 13827.6)~~ of Title 6 of Part 4 of, the Penal Code, relating to crime prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 323, as amended, Hayden. Crime prevention.

Existing law imposes increased penalties for crimes committed by criminal street gangs and provides remedies for the confiscation of firearms and other deadly weapons owned or possessed by gang members. Existing law also requires the Commission on Peace Officer Training to implement a course of instruction to provide ongoing training to peace officers on methods of gang law enforcement and establishes in the Office of Criminal Justice Planning, the Gang Violence Suppression Program to provide financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, and community-based organizations that are primarily engaged in the suppression of gang violence.

This bill would create the Commission on Prison Peace to identify the causes of violence and recommend innovative approaches to prevent them and increase the conditions of peace and safety in the correctional system. The bill would require that the chair of the commission be appointed by the Governor and consist of ~~17~~ 10 additional members appointed by the Governor, as specified, the Speaker of the Assembly, and the Senate Committee on Rules. By increasing the duties of local officials, this bill would impose a state-mandated local program.

This bill would also establish the Peace Process Task Force to hold public hearings, make findings and recommendations regarding gang violence prevention, and to promote efforts to create a peace process. The task force would be a joint project of state government, educational institutions, and private foundations, consisting of ~~26~~ 11 members, including 7 3 members whose backgrounds include former gang membership, incarceration, and personal efforts to create gang truces, and a commitment to a peaceful, legal, and democratic means of resolving inner-city violence. The membership would be appointed as specified by the Senate Committee on Rules, the Speaker of the Assembly, and the Governor. The task force would be required to hold at least 5 public hearings in specified locations for specified purposes and prepare a comprehensive report to be presented to the Senate and Assembly Public Safety Committees and the Governor beginning January 1, 2001, regarding the formulation of comprehensive public policy that identifies strategies for reducing gang-related crime and violence. ~~The bill would also establish in the office of the Attorney General, the office of Peace Process Coordinator. The coordinator would be in charge of evaluating and encouraging violence prevention efforts among gangs and residents of inner-city communities faced with gang violence and would have specified duties.~~

The provisions of the bill would remain in effect only until January 1, 2002. The bill would also provide that it is to become operative only if funding is appropriated by the Budget Act of 1999.



The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2.5 (commencing with Section
2 5072) is added to Title 7 of Part 3 of the Penal Code, to
3 read:

4
5 CHAPTER 2.5. COMMISSION ON PRISON PEACE
6

7 5072. (a) There is hereby created the Commission on
8 Prison Peace.

9 (b) The commission shall be chaired by an appointee
10 of the Governor, and shall consist of ~~17~~ 10 additional
11 members appointed as follows:

12 (1) The chair and ~~eight~~ five additional members shall
13 be appointed by the Governor upon subsequent approval
14 of the Senate. The ~~eight~~ five appointees shall have
15 experience and expertise in corrections or law
16 enforcement, and shall include a member of the
17 Department of Corrections administrative staff, a
18 Department of Corrections correctional officer and a
19 representative of the California Correctional Peace
20 Officers Association.

21 (2) ~~Four~~ Two members shall be appointed by the
22 Speaker of the Assembly, and ~~four~~ two members shall be
23 appointed by the Senate Committee on Rules. The
24 legislative appointees shall be academic, religious, or

1 community leaders with demonstrated records of
2 working to lessen gang violence or prison violence.

3 (3) The Attorney General or a designee.

4 ~~(e) The Peace Process Coordinator shall staff the~~
5 ~~commission.~~

6 ~~(d)~~

7 (c) The commission shall identify the causes of
8 violence and recommend innovative approaches to
9 prevent them and increase the conditions of peace and
10 safety in California's correctional system, including
11 probation camps, county jails, the state prison, and
12 high-security facilities, including the Corcoran Secured
13 Housing Unit. The commission shall hold public hearings
14 and seek the testimony of correctional officers, prison
15 inmates, former inmates, policy experts, academic
16 specialists, and community leaders. At least one public
17 hearing will be held in a prison setting or in a location
18 where inmate participation or dialogue is made possible.

19 ~~(e)~~

20 (d) No later than September 1, 2000, the commission
21 shall report its preliminary findings, and no later than
22 December 31, 2000, submit a final report, to the Governor
23 and the Legislature. The preliminary findings and final
24 report shall include a summary of the information
25 gathered from all types of sources and proposals for
26 reducing prison violence.

27 ~~(f)~~

28 (e) The commission shall meet initially upon the call
29 of the chair, and shall adopt rules governing its
30 proceedings. The commission shall operate by consensus
31 or, failing consensus, shall adopt procedures for noting
32 majority and minority viewpoints in its record and report.

33 ~~(g)~~

34 (f) This section shall remain in effect only until
35 January 1, 2002, and as of that date is repealed, unless a
36 later enacted statute, that is enacted before January 1,
37 2002, deletes or extends that date.

38 SEC. 2. Chapter 3.4 (commencing with Section
39 13827) is added to Title 6 of Part 4 of the Penal Code, to
40 read:

CHAPTER 3.4. PEACE PROCESS TASK FORCE

13827. There is hereby established the Peace Process Task Force to hold public hearings, make findings and recommendations regarding gang violence prevention, and promote efforts to create a peace process.

13827.1. (a) The task force as a joint project of state government, educational institutions, and private foundations shall consist of ~~26~~ *11* members appointed as follows:

(1) ~~Five~~ *Two* members shall be appointed by the Senate Committee on Rules, ~~three~~ *one* of whom shall have personal experience with gang issues, as specified in paragraph (4). One member shall have professional experience with economic development and job creation in communities with significant gang, crime, or violence problems. ~~One member shall have academic or public policy experience with issues related to gangs, crime, and violence.~~

(2) ~~Five~~ *Two* members shall be appointed by the Speaker of the Assembly, ~~three~~ *one* of whom shall have personal experience with gang issues, as specified in paragraph (4). ~~One member shall have professional experience with economic development and job creation in communities with significant gang, crime, or violence problems.~~ One member shall have academic or public policy experience with issues related to gangs, crime, and violence.

(3) ~~Nine~~ *Four* members shall be appointed by the Governor. One member shall be a sheriff. One member shall be a chief of police. ~~Two members shall be or a law enforcement officers who have~~ *officer who has* extensive experience with gang-related violence *prevention*. ~~One member shall be a probation officer. One member shall be a member of the California Business Roundtable. One member shall be a member of a chamber of commerce. One member shall be a correctional administrator. One member shall be a private citizen who has professional experience with economic development in communities with significant gang, crime, or violence problems.~~

1 (4) The membership of the task force shall include an
2 additional—~~seven~~ *three* persons whose backgrounds
3 include former gang membership, incarceration, and
4 personal efforts to create gang truces, and a commitment
5 to a peaceful, legal, and democratic means of resolving
6 the problem of inner-city violence. These—~~seven~~ *three*
7 members shall be appointed by the chair, in consultation
8 with the office of the Attorney General. When making
9 these appointments, the chair shall ensure that the
10 northern, central, and southern regions of California are
11 adequately represented on the task force.

12 (b) The membership of the task force shall reflect the
13 ethnic and geographic complexity of the gang problem in
14 this state.

15 (c) The appointments made pursuant to paragraphs
16 (1) to (3), inclusive, of subdivision (a) shall be made on
17 or before February 15, 2000. The appointments made
18 pursuant to paragraph (4) of subdivision (a) shall be
19 made on or before March 1, 2000.

20 (d) The Governor shall select a chair, to be confirmed
21 by the Senate, from among the members of the task force.
22 Included in the chair's duties shall be calling and chairing
23 meetings, publicly representing the task force where
24 necessary, leading an inclusive process, encouraging the
25 maximum involvement of all task force members, and
26 encouraging support and partnerships with the private
27 sector and other institutions.

28 (e) The task force may select up to—~~three~~ *two* vice
29 chairs, select officers, and establish committees among its
30 members. Each committee shall meet as often as the
31 committee members find necessary. It is the intent of the
32 Legislature that all task force members shall actively
33 participate in all task force deliberations required by this
34 chapter. Any member who misses three consecutive
35 meetings or attends less than 50 percent of the task force's
36 regularly scheduled meetings in any calendar year for
37 any cause except severe temporary illness or injury shall
38 be automatically removed from the task force.

39 (f) Members of the task force shall receive no
40 compensation for their services, but shall be reimbursed

1 for the expenses actually and necessarily incurred by
2 them in the performance of their duties under this
3 chapter. No compensation or expenses shall be received
4 by the members of any continuing task forces, review
5 committees, or other auxiliary bodies created by the task
6 force who are not task force members, except that
7 persons requested to appear before the task force with
8 regard to specific topics on one or more occasions shall be
9 reimbursed for the travel expenses necessarily incurred
10 in fulfilling those requests.

11 13827.2. The task force shall do all of the following:

12 (a) Hold at least four public hearings, with at least two
13 in communities most heavily marked by urban violence
14 and the first of the four public hearings held no later than
15 April 15, 2000.

16 (b) Hold an additional public hearing in a prison
17 setting or in a location where inmate participation or
18 dialogue is made possible.

19 (c) Include those who have created gang truces
20 directly in the process of defining and recommending
21 alternatives that will lessen or prevent violence in the
22 inner city.

23 (d) Create a common ground of discussion among
24 public officials, law enforcement, and those individuals
25 attempting to transform their lives from violence to
26 nonviolent empowerment.

27 (e) Forge formal partnerships in at least one local
28 community experiencing significant gang problems in
29 each of the northern, central, and southern regions of
30 California, with representatives of the corporate
31 community, the local business sector, local law
32 enforcement, local government, local providers of social
33 and related services, local neighborhood associations, and
34 with members of the community, for the following
35 purposes:

36 (1) Identifying the local problems and needs of each
37 specific community as they relate to gangs, violence, and
38 crime.

39 (2) Identifying strategies, which, at a minimum,
40 include strategies related to gang truces, job creation, and

1 social services, to address problems related to local gang,
2 violence, and crime problems.

3 (3) Identifying and making efforts to secure resources
4 necessary for implementing local strategies.

5 (f) Assess and recommend possible ways of breaking
6 the cycle of gang violence through early childhood
7 programs, remedial education and training, inner-city
8 jobs, drug treatment, and other violence prevention
9 strategies.

10 (g) Provide assistance and advice to local
11 governments or communities suffering from gang
12 violence. This assistance may include counseling,
13 mediation, speakers, public education, and promoting
14 models of local forms of violence prevention.

15 (h) Prepare a comprehensive report which shall be
16 presented to the Senate and Assembly Public Safety
17 Committees and the Governor by January 1, 2001,
18 concerning the formulation of comprehensive public
19 policy that identifies state and local strategies for
20 reducing gang-related crime and violence.

21 13827.3. Notwithstanding Section 7550.5 of the
22 Government Code, the task force shall prepare and
23 submit an annual report to the Legislature and to the
24 Governor by January 1, 2001, and ~~by~~ on January 1st of the
25 following year.

26 13827.4. The office of the Attorney General shall, and
27 the Senate Office of Research may, make staff resources
28 available to the task force for the purpose of providing
29 research, policy, and technical assistance. Additionally,
30 foundations, educational institutions, and private sector
31 parties are encouraged to offer staff and other in-kind
32 resources.

33 13827.5. No more than two hundred thousand dollars
34 (\$200,000) shall be spent over two years on expenditures
35 for the four hearings, publications, staffing, and
36 administrative expenses required by the task force as
37 described in this chapter.

38 13827.51. This chapter shall remain in effect only until
39 January 1, 2002, and as of that date is repealed, unless a

1 later enacted statute that is enacted before January 1,
2 2002, deletes or extends that date.

3 ~~SEC. 3. Chapter 3.5 (commencing with Section~~
4 ~~13827.6) is added to Title 6 of Part 4 of the Penal Code, to~~
5 ~~read:~~

6
7 ~~CHAPTER 3.5. PEACE PROCESS COORDINATOR~~
8

9 ~~13827.6. (a) There is hereby established the office of~~
10 ~~Peace Process Coordinator in the office of the Attorney~~
11 ~~General. The coordinator shall be in charge of evaluating~~
12 ~~and encouraging violence prevention efforts among~~
13 ~~gangs and residents of inner-city communities faced with~~
14 ~~gang violence, including the phenomena known as “gang~~
15 ~~truees.”~~

16 ~~(b) (1) The Peace Process Coordinator shall be~~
17 ~~appointed by the Governor, and confirmed by the Senate,~~
18 ~~pursuant to Section 1774 of the Government Code.~~

19 ~~(2) The qualifications of the coordinator shall include~~
20 ~~both professional experience in community-based~~
21 ~~violence prevention programs and juvenile justice~~
22 ~~programs, and a personal background in communities~~
23 ~~where gang violence is prevalent.~~

24 ~~(c) The coordinator shall do all of the following:~~

25 ~~(1) Serve as staff director to the Peace Process Task~~
26 ~~Force and the Commission on Prison Peace.~~

27 ~~(2) Identify areas of the state where gang violence has~~
28 ~~been significantly reduced, meet with local violence~~
29 ~~prevention groups and interested parties, including law~~
30 ~~enforcement, and evaluate any lessons for state policy.~~

31 ~~(3) Visit areas of the state where gang violence seems~~
32 ~~endemic and ongoing, meet with local violence~~
33 ~~prevention groups and interested parties, including law~~
34 ~~enforcement, and evaluate and make recommendations~~
35 ~~regarding measures that might achieve mediation or~~
36 ~~intervention that results in a lessening of violence.~~

37 ~~(4) Convene public workshops, training sessions, and~~
38 ~~private consultations that bring together former gang~~
39 ~~members, gang members committed to reducing~~
40 ~~violence, community-based organizations involved in~~

~~1 violence prevention programs promoted under the
2 California Gang, Crime, and Violence Prevention
3 Partnership Program, law enforcement, and local
4 business and community leaders for the purpose of
5 achieving better communications, conflict resolution,
6 and understanding of identifiable barriers to violence
7 prevention.~~

~~8 (5) Seek interagency cooperative agreements of
9 memoranda of understanding with the Department of
10 Justice, the Employment Development Department, the
11 Trade and Commerce Agency, and any other state
12 agencies to help maximize institutional resources focused
13 on violence prevention.~~

~~14 13827.7. This chapter shall remain in effect only until
15 January 1, 2002, and as of that date is repealed, unless a
16 later enacted statute that is enacted before January 1,
17 2002, deletes or extends that date.~~

~~18 SEC. 4.~~

~~19 SEC. 3. This act shall only become operative if there
20 is an appropriation in the Budget Act of 1999 to fund the
21 provisions of this act.~~

~~22 SEC. 5.~~

~~23 SEC. 4. Notwithstanding Section 17610 of the
24 Government Code, if the Commission on State Mandates
25 determines that this act contains costs mandated by the
26 state, reimbursement to local agencies and school
27 districts for those costs shall be made pursuant to Part 7
28 (commencing with Section 17500) of Division 4 of Title
29 2 of the Government Code. If the statewide cost of the
30 claim for reimbursement does not exceed one million
31 dollars (\$1,000,000), reimbursement shall be made from
32 the State Mandates Claims Fund.~~